

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
ROOM W064
INDIANAPOLIS, INDIANA 46204**

MINUTES OF JUNE 23, 2011

Stephen Huddleston, J.D., President called the meeting to order at 8:42 a.m. and declared a quorum in accordance with IC 25-22.5.

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| Members Present: | Stephen Huddleston, J.D., Consumer Member, President Robert Allen, M.D. Donald Vennekotter, M.D., Secretary Lynda Smirz, M.D. Kirk Masten, D.O. Worthe Holt, Jr., M.D. |
| Members Absent: | Bharat Barai, M.D., Vice President |
| Staff Present: | Kristen Kelley, Board Director Professional Licensing Agency Jody Edens, Assistant Board Director Professional Licensing Agency James Schmidt, Deputy Attorney General Office of the Attorney General |

The Board voted to adopt the agenda as amended.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O., Lynda Smirz, M.D.

Vennekotter/Masten, 5/0/0
Motion carries

PERSONAL APPEARANCES

The following were continued:

Ann Walker, M.D.
Richard Carr, M.D.
Joyce Zagursky, M.D.

The following did not appear:

Uzma Chaudhry, M.D.

John Ratz, M.D.

The following appeared before the full Board for personal appearances and were sworn in under oath:

Eamonn Keane, M.D. – Dr. Keane appeared before the Board regarding a waiver of the USMLE three (3) attempts rule and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D.,

Kirk Masten, D.O., recused himself from this matter.

844 IAC 4-4.5-12(2) states "An applicant may have a maximum of three (3) attempts to pass each step of the USMLE."

Dr. Keane passed Step 2 of the USMLE on the 4th attempt.

Andy McKenna, M.D., Recruiting Director, Emergency Medicine of Indiana and Robert Wilkins, M.D., Associate Director, Emergency Medicine of Indiana appeared as witnesses to testify for Dr. Keane.

Dr. McKenna testified that they have been working for two (2) full years to fill the position they have offered to Dr. Keane. They are willing to sign a three (3) year contract with him. He will be an Inpatient Hospitalist and Emergency Room Physician in Peru through Emergency Medicine of Indiana, P.C.

After discussion, the Board moved to GRANT the waiver of the three (3) attempts rule based upon the following:

- Appearance of Andy McKenna, M.D., Recruiting Director, Emergency Medicine of Indiana and Robert Wilkins, M.D., Associate Director, Emergency Medicine of Indiana on behalf of Dr. Keane
- Completed his Residency at the Fort Wayne Medical Education Program in Indiana
- Three (3) year employment contract with Emergency Medicine of Indiana to serve in the Peru area which is designated as an underserved area.
- Letters of recommendation from the following:
 1. B.P. House, M.D., President Emergency Medicine of Indiana
 2. Robert E. Wilkins, M.D., Associate Director, Emergency Medicine of Indiana
 3. W. David Pepple, M.D., Assistant Residency Director/Instructor in Obstetrics, Family Medicine Residency, Fort Wayne Medical Education Program, Immediate Past President Fort Wayne Medical Society, Past-President Indiana Academy of Family Physicians, 2004-2005
 4. Mark A. King, D.O., FAAFP, Assistant Director, Fort Wayne Medical Education Program, Family Medicine Program
- Emergency Medicine of Indiana has been searching for two (2) years to fill this position. They have had much difficulty due to the location/distance of the hospitals they serve.
- Emergency Medicine of Indiana agreed to submit annual letters to the Board regarding the fact that Dr. Keane is continuing to fulfill his contract to practice in the underserved areas.

Holt/Smirz, 5/0/0
Motion carries

Carlos Malave, M.D. – Dr. Malave appeared before the Board regarding a positive response on his initial application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kirk Masten, D.O.

Dr. Malave appeared before the Board in May due to a DUI charge in January 2011. The Board continued the matter until final disposition of the criminal charges.

Dr. Malave went to court regarding the DUI and the charges were dropped.

He submitted a favorable addictionology evaluation.

After discussion, the Board moved to APPROVE Dr. Malave's application for licensure.

Smirz/Allen, 6/0/0
Motion carries

Joshua Smith, M.D. – Dr. Smith appeared before the Board regarding a positive response on his residency permit application and was represented by counsel John Ittenbach.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kirk Masten, D.O.

Dr. Smith was arrested for a DUI on April 1, 2005. His BAC was .1

He submitted a favorable addictionology evaluation.

After discussion the Board moved to APPROVE Dr. Smith's application for a residency permit.

Allen/Smirz, 6/0/0
Motion carries

Jeffrey Copeland, D.O., License No. 02002769A – Dr. Copeland appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kirk Masten, D.O.

On January 26, 2011, Dr. Copeland was arrested for a DUI. His BAC was .213. He pled not guilty and a trial date is still pending. He is also active duty in the U.S. Navy.

On June 19, 2011, he was arrested for public intoxication.

Candace Backer indicated that she could put him in contact with the appropriate treatment programs in California.

After discussion, the Board moved to CONTINUE this matter until July.

Holt/Vennekotter, 6/0/0
Motion carries

Bryan Potter, M.D., License No. 01066565A – Dr. Potter appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kirk Masten, D.O.

Dr. Potter entered into a diversion program agreement in Oregon following a domestic dispute with his wife. The diversion agreement included an alcohol evaluation, counseling and fine.

He submitted a favorable addictionology evaluation.

After discussion, the Board moved to APPROVE Dr. Potter's renewal application.

Smirz/Holt, 6/0/0
Motion carries

George Abate, D.O. License No. 02003079A – Dr. Abate appeared before the Board regarding a positive response on his renewal application and was represented by counsel Mary Watts.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kirk Masten, D.O.

Dr. Abate voluntarily relinquished some hospital privileges while his former employer evaluated a surgical complication. The hospital's evaluation determined this was a known adverse event, which required no punitive action. After discussion, the Board moved to APPROVE Dr. Abate's renewal application.

Allen/Smirz, 6/0/0
Motion carries

Brian Cocke, M.D., License No. 01063055A – Dr. Cocke appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kirk Masten, D.O.

The Department of the Air Force sent a report to the Board that states in part "Captain Cocke's clinical privileges were revoked due to medical impairment, evidenced by documented alcohol dependence and abuse that has been refractory to multiple treatment attempts."

After discussion the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-4(g). The status of his license will be "Valid to practice while reviewed" allowing Dr. Cocke to continue to practice while the AG's office investigates this matter.

Allen/Masten, 6/0/0
Motion carries

Kenneth Lazarus, M.D., License No. 01067183A – Dr. Lazarus appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Kirk Masten, D.O.

Lynda Smirz, M.D., recused herself from this matter.

Candace Backer, ISMA was sworn in as a witness for Dr. Lazarus.

On September 13, 2010, Dr. Lazarus was arrested for a DUI. His BAC was .14

His charges are still pending as he has entered a deferral program.

Ms. Backer testified that Dr. Lazarus has signed a two (2) year contract with ISMA and has received an addictionology evaluation by Dr. Moe. Ms. Backer confirmed that Dr. Lazarus will be reported to the Board should he become non-compliant with his contract.

After discussion, the Board moved to APPROVE Dr. Lazarus' renewal application.

Allen/Holt, 5/0/0
Motion carries

Rolf Loescher, M.D., License No. 01036582A – Dr. Loescher appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kirk Masten, D.O.

Robert Allen, M.D., recused himself from this matter.

A medical malpractice panel found that Dr. Loescher did commit malpractice by a vote of 3-0 against. A total of \$577,205 was paid to the patient.

After discussion, the Board moved to APPROVE Dr. Loescher's renewal application.

Smirz/Masten, 5/0/0
Motion carries

Todd Dillon, M.D., License No. 01055103A – Dr. Dillon appeared before the Board regarding positive responses on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

In July 2010, he entered into a plea agreement regarding a domestic violence charge. He received one (1) year probation.

In late 2010, he was excluded from participating in Medicaid/Medicare for failure to repay his medical student loans. He was reinstated in December 2010 after he became compliant.

After discussion, the Board moved to APPROVE Dr. Dillon's renewal application.

Holt/Smirz, 6/0/0
Motion carries

Michael Bermudez, M.D., License No. 01061935A – Dr. Bermudez appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

Dr. Bermudez has received two (2) DUI's. He received a DUI in New Mexico and at that time he obtained an addictionology evaluation. After his evaluation he received his second DUI.

We received a second addictionology evaluation report on June 12, 2011, which indicates that "he appears to be committed to his continued sobriety. If he continues with regular AA meetings at least twice weekly and obtains a sponsor, he has an excellent chance of being successful at remaining abstinent and safe to practice medicine".

After discussion the Board moved to CONTINUE this matter. They requested that Dr. Bermudez meet with Candace Backer and then come back before the Board for a second appearance.

Allen/Smirz, 6/0/0
Motion carries

Robert Helm, M.D., License No. 01033774A – Dr. Helm appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

Dr. Helm's clinical privileges were suspended for ninety (90) days at St. Vincent Mercy Hospital. There were several complaints that centered on his communication with hospital staff regarding care of his hospital patients.

John Geerling, M.D., Medical Staff President, St. Vincent Mercy Hospital sent a letter that states in part "Since his return to St. Vincent Mercy, the MEC has been satisfied with Dr. Helm's behavior and no further corrective action has been taken."

After discussion the Board moved to APPROVE Dr. Helm's renewal application.

Holt/Allen, 6/0/0
Motion carries

Chidambaram Srinivasan, M.D., License No. 01054279A – Dr. Srinivasan appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

\$1,000,000 was paid out on his behalf in a malpractice suit which alleged that he failed to maintain spontaneous ventilation and patency of airway.

After discussion, the Board moved to APPROVE Dr. Srinivasan's renewal application.

Holt/Smirz, 6/0/0
Motion carries

John Chappo, D.O., License No. 02003401A – Dr. Chappo appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

Dr. Chappo pled guilty to a DWI on May 7, 2010. His BAC was .10.

His driver's license was suspended for six (6) months and he had to attend a 72 hour DWI educational program and receive counseling.

He submitted a favorable addictionology evaluation.

After discussion, the Board moved to APPROVE Dr. Chappo's renewal application.

Vennekotter/Smirz, 6/0/0
Motion carries

Mazen Ibrahim, M.D., License No. 01028371A – Dr. Ibrahim appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

Dr. Ibrahim signed a Memorandum of Agreement with the DEA to voluntarily surrender his DEA registration.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-4(g). The status of his license will be "Valid to practice while reviewed" allowing Dr. Ibrahim to continue to practice while the AG's office investigates this matter.

Allen/Smirz, 6/0/0
Motion carries

Carlos Gambirazio, M.D., License No. 01046677A – Dr. Gambirazio appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

In May 2010, Dr. Gambirazio pled guilty to a DUI.

He indicated that he immediately informed the Chairman of MAC at St. Elizabeth Hospital. They immediately contacted Candace Backer with ISMA. Ms. Backer suggested he obtain an addictionology evaluation by a board certified addictionologist. He did so and a copy of the report was submitted to the Board. It states in part "This seems to be an isolated incident related to poor judgment."

After discussion, the Board moved to APPROVE Dr. Gambirazio's renewal application.

Smirz/Holt, 6/0/0
Motion carries

Walter Bowers, M.D., License No. 01042496A – Dr. Bowers appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

Dr. Bowers entered into an Agreed Order with the State of Kentucky for a period of five (5) years with terms and conditions.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-4(g). The status of his license will be "Valid to practice while reviewed" allowing Dr. Bowers to continue to practice while the AG's office investigates this matter.

Allen/Smirz, 6/0/0
Motion carries

James Hines, M.D., License No. 01030218A – Dr. Hines appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

He settled a malpractice case in which his payout amount on his behalf was \$1,000,000.

After discussion, the Board moved to APPROVE Dr. Hines' renewal application.

Smirz/Allen, 6/0/0
Motion carries

Thomas Whitten, M.D., License No. 01055526A – Dr. Whitten appeared before the Board regarding a positive response on his renewal application and was represented by counsel Mary Watts.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

Dr. Whitten's privileges were revoked at Riverview Hospital on October 28, 2010.

He has since been credentialed at other hospitals.

After discussion the Board moved to APPROVE Dr. Whitten's renewal application.

Vennekotter/Smirz, 6/0/0
Motion carries

ADMINISTRATIVE HEARINGS

The following administrative hearings were continued:

Ashwani Duggal, M.D., License No. 01047610A, Cause No. 2010 MLB 0006

Daniel V. Tufariello, D.O., License No. 01063195A, Cause No. 2011 MLB 0012

John Walter Bulger, M.D., License No. 01034598A, Cause No. 2005 MLB 0022

Respondent did appear in person and was represented by counsel Mary Watts regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Michael Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Kurt Masten, D.O.

Dr. Bulger is compliant with all the terms of his probationary order.

After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to APPROVE the WITHDRAWAL OF PROBATION.

Allen/Vennekotter, 5/0/0
Motion carries

Kimberly Lynn Daffern, M.D., License No. 01052191A, Cause No. 2011 MLB 0009

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Amber Swartzell, Deputy Attorney General and the

court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Allen/Smirz, 6/0/0
Motion carries

Constance E. Fryman, D.O., License No. 02000811A, Cause No. 2011 MLB 0015

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Amber Swartzell, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

The Respondent sent a letter requesting a continuance of this matter. This is the second request for a continuance.

After having considered the evidence presented and taking its file into consideration, the Board moved to DENY the request for a continuance.

Smirz/Allen, 6/0/0
Motion carries

The Board further moved to issue a NOTICE OF PROPOSED DEFAULT.

Vennekotter/Allen, 6/0/0
Motion carries

Mariano Abaya Galang, M.D., License No. 01037331A, Cause No. 2011 MLB 0018

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Michael Minglin, Senior Deputy Attorney General

and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

The Kentucky Medical Board took action upon Dr. Galang's license for having sexual contact with a patient. New York Medical Board followed suite and took action based upon the Kentucky action.

After discussion, the Board found the Respondent in violation of count 1.

Allen/Smirz, 6/0/0
Motion carries

After further discussion, the Board found the Respondent in violation of count 2.

Smirz/Masten, 6/0/0
Motion carries

After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to place the Respondent's license on INDEFINITE SUSPENSION.

Holt/Vennekotter, 6/0/0
Motion carries

The Board further moved to issue a \$2,000 FINE payable within sixty (60) days.

Allen/Holt, 6/0/0
Motion carries

Thomas M. Horigon, M.D., License No. 01065070A, Cause No. 2011 MLB 0001

Respondent did not appear in person and was represented by John Ittenbach regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Amber Swartzell, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included a LETTER OF REPRIMAND and the possibility of a FINE.

After reviewing the settlement agreement and taking its file into consideration the Board moved to APPROVE the settlement agreement.

Holt/Allen, 6/0/0
Motion carries

The Board further moved to FINE the Respondent \$1,000 payable within ninety (90) days.

Holt/Allen, 6/0/0
Motion carries

Richard Karrel, M.D., License No. 01036329A, Cause No. 2007 MLB 0009

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Amber Swartzell, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Kurt Masten, D.O.

Dr. Karrel's Kentucky license has been reinstated.

In 2005, he joined the Kentucky's Physicians Health Program and has now successfully completed. He did not have any positive urine drug screens.

Dr. Karrel indicated that he has resigned with the Kentucky Physicians Health Program for one (1) more year voluntarily.

After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to WITHDRAW the Order of Probation.

Smirz/Allen, 5/0/0
Motion carries

John Reynolds, M.D., License No. 01023979A, Cause No. 2010 MLB 0012

Respondent did appear in person and was represented by counsel Barclay Wong regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Michael Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

The parties agree that there are matters that still need to be investigated prior to resolving this case with the Board.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to EXTEND the SUMMARY SUSPENSION on his license until the August 2011 meeting.

Smirz/Vennekotter, 6/0/0
Motion carries

The Board further moved that there will be no further continuances of this matter.

Smirz/Vennekotter, 6/0/0
Motion carries

Thomas Shealy, M.D., License No. 01028513A, Cause No. 2008 MLB 0007

Respondent did not appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation scheduled before the Board. The court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

Dr. Shealy requested a continuance of this matter due to health reasons.

After having considered the request for a continuance and taking its file into consideration the Board moved to CONTINUE this matter for thirty (30) days.

Allen/Holt, 6/0/0
Motion carries

Mark Robin Geier, M.D., License No. 01065921A, Cause No. 2011 MLB 0022

Respondent did not appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Amber Swartzell, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Kurt Masten, D.O.

A letter was received from Dr. Geier's criminal attorney requesting a continuance of this matter.

After having considered the request for continuance and taking its file into consideration, the Board moved to DENY the continuance request.

CONSENSUS
Motion carries

The Maryland State Medical Board place Dr. Geier's license on suspension as he was found to be a threat to the health and safety of the public.

The States of Washington and Virginia followed suit by also placing Dr. Geier's license on suspension.

He is currently practicing in Indiana.

After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days.

Smirz/Allen, 5/0/0
Motion carries

PERMIT/LICENSURE APPLICATIONS

Marsha Silberstein, M.D. – Dr. Silberstein appeared before the Board in May 2011 regarding a positive response on her initial application for licensure.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Kurt Masten, D.O.

Dr. Silberstein had not seen a patient since 1984 as she is working in medical administration.

The Board requested Dr. Silberstein to submit a job description for them to review. She did submit the description of a Commercial Episodic Review, Clinical Advisor-MD. This does require a medical license in Indiana.

After reviewing the job description and taking her file into consideration, the Board moved to APPROVE Dr. Silberstein's application for licensure.

Smirz/Allen, 5/0/1, with Dr. Holt abstaining

Motion carries

DISCUSSION

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Robert Allen, M.D., Kirk Masten, D.O.

Administrative Penalty Procedures – The Board reviewed the types of administrative penalties and set the following:

- Submitted documentation prior to a renewal cycle but did not disclose positive response information on the actual renewal application – Their licenses will be renewed and issued an administrative penalty of \$250.00
- Did not submit documentation previously and did not disclose positive response on the renewal application – Their licenses will be renewed and issued administrative penalty of \$500.00
- Personal appearances will be scheduled for those where there are practice concerns. Administrative penalties can be issued during the personal appearance process.

For the top 2 categories, a citation letter will be issued along with a copy/evidence of the violation. The physician has the option of paying the citation or contesting the allegations. If the allegations are contested, a personal appearance will be scheduled. The personal appearance, the Board can dismiss the violation charges or issue the citation. If the physician appeals that citation issuance, a hearing will be set.

Criminal Background Checks – All initial applications postmarked July 1st and after will be required to obtain a criminal background check.

Request for clarification from the Indiana Academy of Dermatology and Indiana Association of Pathologists regarding Public Law 222 – Mike Rinebold, from Indiana State Medical Association was present to discuss this correspondence. He indicated that they've been hearing from members every day about this issue. They are planning on coming up with FAQs to address their questions but wanted to find out if the Board has any guidance/input. The Board declined to comment on the new legislation. The Board recommended that ISMA seek an amendment to the statute.

Request for presentation from the Office of the Attorney General – The Board requested to have staff send a letter to the AG's Office requesting them to present information to them at the July meeting regarding the status of consumer complaints that have been filed by the Board.

REVIEW OF INITIAL/RENEWAL APPLICATIONS

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O., Worthe Holt, Jr., M.D.

The Board reviewed the positive response information on the following applicants/renewals and approved them for licensure: **CONSENSUS**

Bakul Patel, M.D.
William Culp, M.D.
David Agarwal, M.D.
Peggy Schutte, D.O.
Frederick Kraus, M.D.
Michael Owens, M.D.
Muhammad Atif, M.D.
Wendy Marshall, M.D.
Karl Yang, M.D.
Lawrence Rouben, M.D.
Justin Weiss, M.D.

Hany Afram, M.D.
William Evans, M.D.
Aubrey Masilela, M.D.
Thomas Hastetter, M.D.
Charles Buhse, M.D.
Richard Simpson, M.D.
Bernardo Lucena, M.D.
Lemuel Barrido, M.D.
Thomas Tarter, M.D.
Purshotham Ginne, M.D.

The Board reviewed the positive response information on the following applicants/renewals and requested them to appear before the Board:
CONSENSUS

Chibiko Onyeukwu, M.D.
Ronald Kloc, D.O.
Pamela Strange, M.D.

Desmond Nunan, D.O.
Chad Weare, M.D.
Betty Campbell, M.D.

Dominic Maga, D.O.
Chung Kim, M.D.
Steven Svabek, D.O.
Jeffrey Stambough, M.D.

Philip James, M.D.
Brian Milliken, M.D.
Peter Coleman, M.D.
Cheryl Southern, M.D.

Gregory Carpenter, M.D. – Dr. Carpenter submitted an application for an initial license for the second time. Dr. Carpenter was previously denied by the Board following a hearing before the Board.

The Board reviewed his new application and determined that the circumstances still exists that were taken into consideration when his previous application was

denied. He does not meet the one year post graduate training requirements and his physical inabilities prohibit him from being physically competent to practice medicine.

After reviewing his application and taking its file into consideration the Board moved to DENY Dr. Carpenter's application for licensure.

Holt/Allen, 6/0/0
Motion carries

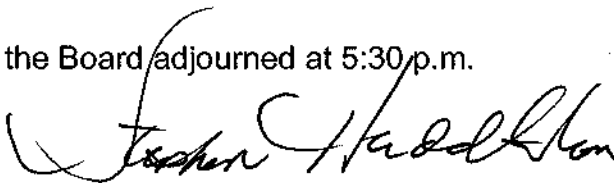
PHYSICIAN ASSISTANT PRESCRIPTIVE AUTHORITY APPLICATIONS

The Board reviewed and approved the following Physician Assistant Prescriptive Authority applications: Smirz/Holt, 6/0/0 Motion carries

Participating Board Members: Stephen Huddleston, J.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Robert Allen, M.D., Kirk Masten, M.D., Donald Vennekotter, D.O.

Timothy Barnard, 10000226A
Jamie Lee Cormier, 10001274A
Erica Childress, 10001187A
Jessica Hann, 10001262A

There being no further business the Board adjourned at 5:30 p.m.


Stephen Huddleston, J.D., President

Donald Vennekotter, D.O., Secretary